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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
SUSTAINING OBJECTION OF USACM
TRUST TO MICHAEL BAGINSKI'S
CLAIM FILED IN WRONG DEBTOR'S
CASE; AND SUSTAINING OBJECTION
OF DTDF TO PROPOSED ALLOWANCE
OF CLAIM; AND CERTIFICATE OF
SERVICE**

PLEASE TAKE NOTICE that on the 1st day of November 2007, the Court in the above-captioned case entered its Order Sustaining Objection of USACM Trust to Michael Baginski's Claim Filed in Wrong Debtor's Case; and Sustaining Objection of DTDF to Proposed Allowance of Claim, a copy of which is attached hereto.

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1 DATED this 5th day of November 2007.

2 **LEWIS AND ROCA LLP**

3 By /s/ Anne M. Loraditch (008164)
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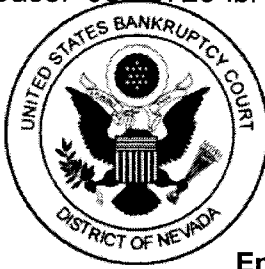
11 *Attorneys for USACM Liquidating Trust*

12 **CERTIFICATE OF SERVICE**

13 I certify that a copy of the foregoing was served via first class mail, postage
14 prepaid, addressed as set forth below, on this 5th day of November 2007, to:

15 Michael Baginski
16 12881 Knott Street, #205
17 Garden Grove, CA 92841

18 By /s/ Tamika Shauntee
19 Tamika Shauntee, Lewis and Roca LLP
20
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Entered on Docket
November 01, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

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CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO MICHAEL
BAGINSKI'S CLAIM FILED IN WRONG
DEBTOR'S CASE; AND SUSTAINING
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007

Hearing Time: 9:30 a.m.



The Court having considered the "Objection of USACM Trust to Michael Baginski's Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 4793] (the "Objection"); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;

2. Proof of Claim No. 10725-01150 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF"); and

3. Michael Baginski's equity interest in DTDF is allowed in the amount of \$288,283.94, as reflected in DTDF's books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

SNELL & WILMER, LLP

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By /s/ Claire Dossier (010030)

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*Attorneys for USA Capital Diversified
Trust Deed Fund, LLC*

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- ☒ No opposition was filed to the objection and no other party or counsel appeared at the hearing.

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